

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

MAY 19 2015

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

Jorge Hernandez-Lopez *PRINCIPAL*
 A208 163 377 YOB: 1984
 the United Mexican States

David J. Bradley, Clerk
CRIMINAL COMPLAINT

Case Number:
M-15-0795-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about 5/17/2015 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Luis Macas-Zhispon, citizen and national of Ecuador, along with five (5) other undocumented aliens, for a total of six (6), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Mission, Texas to the point of arrest near Mission, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On May 17, 2015, McAllen Border Patrol agents assisted the Texas Department of Public Safety Highway Patrol on a traffic stop in Mission, Texas that resulted in a 1 on 6 Criminal Smuggling Case.

On May 17, 2015, at approximately 12:30 PM, McAllen Border Patrol Station Tactical Operations Center received a call from the Texas Department of Public Safety (DPS) command center requesting assistance on a vehicle stop on Conway Road and 6 mile Road in Mission, Texas. Border Patrol Agent K. Aroche arrived at location and made contact with DPS Trooper E. Olivarez. Trooper Olivarez stated he observed a black Dodge Ram traveling southbound on Conway Road with window tint that was not in compliance with state law. Trooper Olivarez stated he proceeded to conduct a traffic stop on said vehicle at Conway Road and 6 Mile Road.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by: Leo J. Leo, III
AUSA

[Signature]
 Signature of Complainant

Sworn to before me and subscribed in my presence,

May 19, 2015

Date

at McAllen, Texas

City and State

Peter E. Ormsby U. S. Magistrate Judge
 Name and Title of Judicial Officer

[Signature]
 Signature of Judicial Officer

Israel Perez Senior Patrol Agent
 Printed Name of Complainant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-0795-M

RE: Jorge Hernandez-Lopez

A208 163 377

CONTINUATION:

Trooper Olivarez stated he made contact with driver who identified himself as Jorge Alberto HERNANDEZ-Lopez. Trooper Olivarez stated he observed six passengers seated inside the vehicle and became suspicious when he attempted to identify the subjects and determined no one had an identification card from the United States. Trooper Olivarez then requested Border Patrol assistance through DPS radio dispatch.

Border Patrol Agent Aroche performed an immigration inspection on the driver and six occupants and determined that none of the subjects had documentation to be or remain in the United States legally.

All seven subjects were taken into custody and transported to the McAllen Border Patrol Station for processing.

Record checks were conducted on Jorge HERNANDEZ-Lopez that indicated he had previously been arrested on April 15, 2015 on a 1 on 2 Administrative Alien Smuggling case.

PRINCIPAL STATEMENT

At the McAllen Border Patrol Station Jorge Hernandez-Lopez was read his Miranda Rights. Hernandez understood his rights and gave a statement without an attorney present.

Hernandez stated that a Mechanic asked him if he had ever picked up people before and then offered him the opportunity to make some extra money. Hernandez gave the Mechanic his number. Two weeks later, Hernandez received a call from a guy to pick up two people. Hernandez stated he was going to get paid \$100 dollars to transport the subjects.

MATERIAL WITNESS STATEMENT

At the McAllen Border Patrol Station Luis Macas-Zhispon was read his Miranda Rights. Macas understood his rights and gave a statement without an attorney present.

Macas stated he illegally entered the United States by crossing the Rio Grande River by raft. Macas stated after being taken to multiple residences and ranches, he and five other subjects were instructed to hide and conceal themselves in a brushy area and wait to be picked up. Macas stated a black in color truck stopped and the driver instructed them to get in. Macas stated they entered the truck and it drove away. Macas stated they were stopped by police shortly after that. Macas stated he was going to Houston, Texas. His family made all the arrangements with a smuggler and he does not know how much was paid.